APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,977	12/09/2003	Yuuichi Tsuchiya	P23836	2220

7055   7590   08/10/2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
BANTA, TRAVIS R

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
08/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

	Application No.	Applicant(s)
Office Action Summary	10/729,977	TSUCHIYA, YUUICHI
	Examiner	Art Unit	
	Travis R. Banta	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 November 2005_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _See Continuation Sheet_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :March 18, 2004, June 7, 2004, December 17, 2004, and October 7, 2005.

DETAILED ACTION

Information Disclosure Statement

Information Disclosure statements filed March 18, 2004, June 7, 2004, December 17, 2004, and October 7, 2005 have been considered. Initialed and signed copies are provided herewith.

Claim Objections

Claims 4 and 21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 4 recites displaying a predetermined effect on a player character outside of the predetermined area. Claim 1 recites only displaying a part of the virtual space with reference to an object. These are contradictory claims. It is impossible for claim 1, from which claim 4 depends, to show a virtual space with reference to an object, and claim 4 to display an effect on a character outside of the predetermined area. Essentially, "a space with reference to an object", and "the predetermined area" are equivalent. As such, claim 4 is broader than claim 1.

Claim 21 recites the object of claim 1 not being displayed on the display device. Claim 1 recites a "display controller that causes a display device to display a part of the virtual space with reference to the object". If a display is shown to a player, with

reference to an object, that object is necessarily part of the display. This is a

contradictory limitation. Claim 21 has recited a limitation broader than the original claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claim 25 is directed to a carrier wave. Electromagnetic

signals are not statutory subject matter as described in MPEP 2106 IV (1).

Claim Rejections - 35 USC § 112

Claims 7, 8, 9, 12, and 16 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Regarding claim 7, "the object" is referenced in a claim where 2 objects are

present. A limitation of a first object and a second object is provided in claims 1 and 7.

As such, the Examiner cannot ascertain which object is being referenced by "the

object". The examiner will understand "the object" to be referencing the second object

for the purpose of examination.

Regarding claims 9 and 12, these claims recite an "on-hand display device". The Examiner is unsure what this is. No information is provided in the specification to define an "on-hand display device". The Examiner will understand the claim to mean a second display area inside the first display area. An example would be an inset radar map (second display) imposed on the regular game display (first display).

Claim 8 recites the limitation "the non-displayed area". There is insufficient antecedent basis for this limitation in the claim. The examiner will understand the claim to mean "a non-displayed area".

Claim 16 is vague and indefinite. Specifically, the direction of the visual axis to be directed to the position of the object, is unclear. The Examiner does not understand the term "directed" in context. Directed implies some sort of change in state. As in, if the visual axis was pointing at the ground, it could be directed towards the object. The Examiner basically understands this claim to mean the visual axis is controlled in such a way as to show the object. It will be examined as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Blizzard

Entertainment Diablo Instruction Manual (DIM).

Regarding claim 1, DIM discloses a video game apparatus advancing a game

when multiple players move their player characters in a virtual space (see multi player

instructions on page 23). Multiple input devices correspond to each of the players in the

game and receive input instructions for each player according to how the player

manipulates the control devices (see Direct connection page 24, and system

requirements (mouse and keyboard) on page 6). A player character mover is disclosed

that moves a predetermined object in the virtual space (see Movement page 15). An

object mover is disclosed that moves a predetermined object in a virtual space (see

Interacting with the environment specifically "items that you can pick up are highlighted

in blue" on page 18.) A display controller that causes a display device to display a part

of the virtual space with reference to the object is disclosed (see Getting Started –

Video on page 6). A position judge that determines a positional relationship between

each player character and the object is disclosed (see Interacting with the Environment

specifically "Left-clicking on the selected item will cause your character to automatically

move to and interact with the selected item" on page 18). Further disclosed is a game

progress controller that changes at least one of a degree of advantage of a game

progress and a degree of ease for each player character according to the determined

positional relationship of each player (see Items disclosed on pages 37-42).

When a player satisfies a positional relationship with an item such as picking it up, or using it, it provides an advantage and increased ease to the player and by extension all the allied players against a foe by virtue of the unique traits of the item.

With respect to claim 2, DIM discloses a position judge to determine whether a selected player character is within a predetermined area defined around the object and the game progress controller changing at least one of the degree of advantage of the game and the degree of ease for each player character according to whether the selected player character is within a predetermined area (see Interacting with the Environment specifically "Left-clicking on the selected item will cause your character to automatically move to and interact with the selected item" on page 18 and Items disclosed on pages 37-42).

With respect to claim 3, DIM discloses a red, blue or gold glow to display a predetermined effect on a boundary of the predetermined area (see Interacting with the environment page 18).

With respect to claim 4, DIM discloses a device that causes the display device to display a predetermined effect on a player character outside the predetermined area. By definition, the glow mentioned in the rejection of claim 3 extends around the periphery of the item. This is a predetermined effect of a player character outside the predetermined area (see Interacting with the environment page 18).

With respect to claim 5 DIM discloses a predetermined area around an item to include multiple areas around multiple items. Each area is a different distance from a given object (see Interacting with the environment on page 18 objects such as

creatures, items, and dungeon features – in this case items). A position judge that

determines a positional relationship between each player character and the object is

disclosed (see Interacting with the Environment specifically "Left-clicking on the

selected item will cause your character to automatically move to and interact with the

selected item" on page 18). Further disclosed is a game progress controller that

changes at least one of a degree of advantage of a game progress and a degree of

ease for each player character according to the determined positional relationship of

each player (see Items disclosed on pages 37-42).

With respect to claim 6, DIM discloses a position judge that determines a

positional relationship between each player character and the object (see Interacting

with the Environment on page 18). The game progress controller changes a degree of

advantage or ease based on the character distance to the item. For example, if the

item is a unit of 4 from the player, the player does not enjoy the increased advantage or

ease. If the item is a unit of 0 from the player, the player does enjoy the increased

advantage or ease.

With respect to claim 7 as described in the rejection under 35 U.S.C. 112 above,

DIM discloses a second object mover with a predetermined shape including an object in

synchronization with the movement of the object (see Automap on page 18). A position

judge determines whether each player character is located on the second object by

providing an orange arrow. A degree of advantage or ease is lost in this case, as game

play continues because a player can still be attacked or moved based on if the player

character is in the second object (orange arrow).

With respect to claim 8 as discussed above in the rejection of claim 8 under 35 U.S.C. 112, DIM discloses a display judge that determines whether each player character is included in a portion displayed by a display. The results of this judgment are displayed on the screen (see screen shots on page 16 – in this case, there is a single player in the screen). An operating instruction device is disclosed to move a player character determined as being included in a non-displayed portion of the screen to the portion displayed by said display device. The moving method is disclosed as a "town portal" or "telekinesis" (see page 48).

With respect to claim 9 as discussed above in the rejection of claim 9 under 35 U.S.C. 112, DIM discloses a secondary display different from the main display device. The operation method is displayed on this secondary device (see the Automap on page 18).

With respect to claim 10, DIM discloses a virtual three dimensional space (see screen shots on page 16 as well as System Requirements for DirectX 3.0 on pages 6-7). A visual axis controller controls a direction of a visual axis of a virtual camera with a reference to the position to the object (see The Interface described on page 11 is equivalent). A perspective transformer transforms the virtual three dimensional space onto a virtual screen fixed a distance away from a viewpoint of the virtual camera to generate a two dimensional image. This is an inherent feature of video games featuring a three dimensional virtual space. The screen is transformed into a two dimensional image to be shown on a computer monitor as is shown by the screen shots cited above. A monitor displays the control device to display the two-dimensional image (see System

Requirements on page 6 – Computer. Computers are well known to have monitors.

Also, screen shots are pictures of a screen or monitor.)

Regarding claim 11, DIM discloses a display judge that determines whether each

player character is included in a portion displayed by a display. The results of this

judgment are displayed on the screen (see screen shots on page 16 – in this case,

there is a single player in the screen). A radar map display controller displays a two

dimensional radar map of the position of the player character with reference to the

position of an object when the player character is in a non-displayed portion. The

Automap displays an equivalent of a radar map that shows a representation of a player

character in reference to the position of an object. The playing screen is not visible

when the Automap is displayed (see the Automap on page 18).

Regarding claim 12 as discussed above in the rejection of claim 12 under 35

U.S.C. 112, DIM discloses a secondary display that displays a radar map in two

dimensions (see the Automap on page 18).

Regarding claim 13, DIM further discloses an obstacle judge that determines if

there in an obstacle between the viewpoint and an object (see The Interface on page 9).

A viewpoint mover moves the position of the viewpoint to a position where there is no

obstacle between the viewpoint and the object to control the direction of the visual axis

with reference to the position of the object if the obstacle is between the viewpoint and

the object (This cited description is deemed equivalent to the viewpoint mover

limitation).

Regarding claims 14 and 15, DIM discloses a view point mover/field of view changer that moves the position of the viewpoint/field of view to control the direction of the visual axis with reference to the position of the object according to the determined positional relationship between each character and the object. A zoom function is disclosed to control the direction of the visual axis. As the view is zoomed in, the visual axis changes based on if an item is within a character's line of sight (see The interface page 11). A field of view and a viewpoint are synonymous in the sense of a video game.

Regarding claim 16, DIM as discussed above in the rejection of claim 9 under 35 U.S.C. 112, discloses a visual axis is controlled in such a way as to show the object (see The Interface page 11 – "The Play area displays...items within your characters line of sight").

Regarding claim 17, DIM discloses a game progress controller varies an area in which a degree of advantage and a degree of ease is changed according to game progress (see Inventory Screen Page 13 – Discloses pressing the I key on the keyboard and allows you to move and manipulate various items which have been established to change a degree of advantage and a degree of ease).

Regarding claim 18, DIM discloses a game progress controller differentiates a rate at which the degree of advantage and the degree of ease are changed according to the game progress (see Page 19, Gaining Experience and Levels). A character gains experience and levels in the came which are disclosed to increase the character's effectiveness in combat. This is equivalent to an increase in advantage and ease.

Regarding claim 19, DIM discloses a degree of advantage of the game is changed by changing the status of a player (see Page 19, Gaining Experience and Levels). When a player increases in levels, the status of the player is changed. This allows the player more effectiveness in combat. Increased effectiveness in combat is equivalent to a degree of advantage.

Regarding claim 20, DIM discloses a degree of ease changed by changing a visibility of a player character (see The Interface Page 11). The game is made easier by acquiring items. Items in the character's line of sight are divulged to the player. Thus, manipulating the character to look around obstacles – changing a visibility of a player character, increases a degree of ease.

Regarding claim 21, DIM discloses only items in a character's line of sight are displayed on the display device (see The Interface Page 11).

Regarding claim 22, DIM discloses a video game apparatus advancing a game when multiple players move their player characters in a virtual space (see multi player instructions on page 23). A memory to store the game program is disclosed as well as a processor to execute the game program (see System Requirements: Computer (60 Mhz or better processor), and Drives (a hard drive)). Multiple input devices correspond to each of the players in the game and receive input instructions including movement for each player according to how the player manipulates the control devices (see Direct connection page 24, and system requirements (mouse and keyboard) on page 6). Moving the object is disclosed (see The Belt page 15). The program stored in memory receives instruction for a player character from the input devices, moves the characters

in the virtual space, moves an object in the virtual space, and causes a display to display the space with reference to the moved object (see Movement and The Belt page 15). A positional relationship is defined between the player character and the object (see Interacting with the Environment specifically "Left-clicking on the selected item will cause your character to automatically move to and interact with the selected item" on page 18).

Further disclosed is a game progress controller that changes at least one of a degree of advantage of a game progress and a degree of ease for each player character according to the determined positional relationship of each player (see Items disclosed on pages 37-42).

When a player satisfies a positional relationship with an item such as picking it up, or using it, it provides an advantage and increased ease to the player and by extension all the allied players against a foe by virtue of the unique traits of the item.

Regarding claim 23, DIM discloses a control method for advancing a video game when players move their characters in a virtual space. Multiple input devices correspond to each of the players in the game and receive input instructions including movement for each player according to how the player manipulates the control devices (see Direct connection page 24, and system requirements (mouse and keyboard) on page 6). Moving the object is disclosed (see The Belt page 15). The program stored in memory provides receives instruction for a player character from the input devices, moves the characters in the virtual space, moves an object in the virtual space, and causes a display to display the space with reference to the moved object (see

Movement and The Belt page 15). A positional relationship is defined between the

player character and the object (see Interacting with the Environment specifically "Left-

clicking on the selected item will cause your character to automatically move to and

interact with the selected item" on page 18).

Further disclosed is a game progress controller that changes at least one of a

degree of advantage of a game progress and a degree of ease for each player

character according to the determined positional relationship of each player (see Items

disclosed on pages 37-42).

When a player satisfies a positional relationship with an item such as picking it

up, or using it, it provides an advantage and increased ease to the player and by

extension all the allied players against a foe by virtue of the unique traits of the item.

Regarding claim 24, DIM discloses a computer readable storage medium for

executing a video game (see System Requirements on page 6 – Drives). The medium

maintains instructions for allowing multiple players to move their characters in a virtual

space. The apparatus provides function for each of the following listed below. Multiple

input devices correspond to each of the players in the game and receive input

instructions including movement for each player according to how the player

manipulates the control devices (see Direct connection page 24, and system

requirements (mouse and keyboard) on page 6). Moving the object is disclosed (see

The Belt page 15). The program stored in memory provides receives instruction for a

player character from the input devices, moves the characters in the virtual space,

moves an object in the virtual space, and causes a display to display the space with

reference to the moved object (see Movement and The Belt page 15). A positional

relationship is defined between the player character and the object (see Interacting with

the Environment specifically "Left-clicking on the selected item will cause your character

to automatically move to and interact with the selected item" on page 18).

Further disclosed is a game progress controller that changes at least one of a

degree of advantage of a game progress and a degree of ease for each player

character according to the determined positional relationship of each player (see Items

disclosed on pages 37-42).

When a player satisfies a positional relationship with an item such as picking it

up, or using it, it provides an advantage and increased ease to the player and by

extension all the allied players against a foe by virtue of the unique traits of the item.

Regarding claim 25, DIM inherently discloses a carrier wave having a data signal

in the computer.

Multiple input devices correspond to each of the players in the game and receive

input instructions including movement for each player according to how the player

manipulates the control devices (see Direct connection page 24, and system

requirements (mouse and keyboard) on page 6). Moving the object is disclosed (see

The Belt page 15). The program stored in memory provides receives instruction for a

player character from the input devices, moves the characters in the virtual space,

moves an object in the virtual space, and causes a display to display the space with

reference to the moved object (see Movement and The Belt page 15). A positional

relationship is defined between the player character and the object (see Interacting with

the Environment specifically "Left-clicking on the selected item will cause your character to automatically move to and interact with the selected item" on page 18).

Further disclosed is a game progress controller that changes at least one of a degree of advantage of a game progress and a degree of ease for each player character according to the determined positional relationship of each player (see Items disclosed on pages 37-42).

When a player satisfies a positional relationship with an item such as picking it up, or using it, it provides an advantage and increased ease to the player and by extension all the allied players against a foe by virtue of the unique traits of the item.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,738,451 – Multi-player, Multi-character cooperative play video game with independent player entry and departure

US 4,858,930 – Game system (discusses abilities of the character changing over time).

US 6,168,519 – Image display system, image display method for same, and storage medium storing image display program for same (discusses abilities of the characters to change over time).

US 6,231,440 - Computer Game Apparatus (discusses predetermined distances between characters).

US 6,431,982 – Video Game System Using Radar Picture

USPGPUB 2003/003708 – Entertainment System, Entertainment apparatus,

Recording Medium and Program (discusses damage effects based on predetermined

distances areas of damage).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Travis R. Banta whose telephone number is (571) 272-

1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

/Corbett Coburn/
Primary Examiner
AU 3714